

REMARKS

Reconsideration and allowance are requested.

An information disclosure statement was filed on April 19, 2006, one day before the mailing of the office action. Consideration is requested.

Claims 1, 2, 12, and 13 stand rejected under 35 U.S.C. §102 for anticipation based on Hawkes. This rejection is respectfully traversed.

To establish that a claim is anticipated, the Examiner must point out where each and every limitation in the claim is found in a single prior art reference. *Scripps Clinic & Research Found. v. Genentec, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991). Every limitation contained in the claims must be present in the reference, and if even one limitation is missing from the reference, then it does not anticipate the claim. *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565 (Fed. Cir. 1986). Hawkes fails to satisfy this rigorous standard.

Hawkes describes a method for identifying the locations of mobile cell phones. Each geographical area covered by a network includes a number of distributed mobile location sensors (MLSs), which are connected to a central real-time location processor (RLP) associated with a mobile switching center (MSC). The mobile location sensors receive and measure signals transmitted from mobile cellular telephones which are active within the respective geographical area. Measured data is forwarded to the respective RLP for processing, and processed location information is forwarded to an available location application. Each mobile location sensor may be located in juxtaposition to a

base station, using the respective base stations antenna for receiving signals or a unit separate from the respective base station, having its own antenna.

The Examiner seems to have misunderstood the meaning of the term “minimizing a cost-function” recited in the independent claims 1 and 12. This expression was intended to mean locating a number of mobile stations using only a limited or minimal number of equations. The identified sections in Hawkes relate to minimizing investment costs attributable to using less expensive location equipment. Claims 1 and 12 have been amended to specify the number of required equations to *simultaneously* locate two mobiles in two different circumstances: (1) when the round trip time (RTT) is known between each base station and mobile station, and (2) when such RTTs are not known. By positioning at least two mobile stations simultaneously as that term is defined on page 5 of the specification, it is possible to avoid the requirement of using LMUs when the base stations are unsynchronized. These features as now recited in claims 1 and 12 are not disclosed in Hawkes. Withdrawal of the anticipation rejection is requested.

The Examiner also rejects several dependent claims for obviousness. The Examiner argues that Otten describes a system for geographically locating a user by way of utilizing Round Trip Time (RTT), and that it would have been obvious to one of ordinary skill in the art to combine this locating procedure with the method known from Hawkes. The Examiner also alleges that the determination of a required number of equations for specifying a two-dimensional or a three-dimensional location, as suggested in claims 5-7, 9, 16-18 and 20, is described by Fattouche. But neither of these references

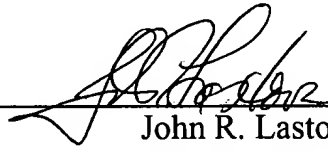
disclose or suggest that at least two mobile stations are located *simultaneously* as defined in the specification on page 5. Nor do Otten or Fattouche remedy the deficiencies in Hawkes regarding determining the location of the two mobiles as recited in amended claims 1 and 12.

The application is in condition for allowance. An early notice to that effect is respectfully requested.

Respectfully submitted,

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